

astounding claim that Congress somehow implicitly thereby gave him authority to block court jurisdiction over suits against Iraq—a claim that disregards the understanding of those involved in negotiating that provision, as well as article III of the Constitution and the separation of powers.

And now, despite these new congressional efforts to help those soldiers, the President wants them to continue to wait—for the good, he says, of the new Iraqi Government. In order for the Defense bill to be signed, my colleagues and I have reluctantly had to amend this provision to allow the President to carve out the Iraqi Government entirely.

It is important to note that this change does not affect rights under current law. The President's waiver authority extends only to the provisions being newly enacted in this bill; by its clear terms, it does not extend to current law. There is ongoing litigation regarding the rights of these American soldiers under current law; if the President exercises his new waiver authority, that litigation will proceed unaffected by that waiver.

The difference is that, if the President exercises the waiver authority, these soldiers will not be helped by this new provision we wrote and passed, as we wanted them to be, and as they would be absent the waiver. I believe current law, properly interpreted, already gives them the protection they need to obtain justice. Among other things, I believe it is clear, despite the administration's assertions and one aberrational court holding to the contrary, that Congress intended the 1996 amendment to the Foreign Sovereign Immunities Act to provide an explicit Federal statutory cause of action against state sponsors of terrorism for the victims. That intent is stated explicitly, among other places, in the House Judiciary Committee's report for the bill in the previous Congress, H. Rept. 103-702.

In the face of sustained efforts by the President to persuade the courts to disregard congressional intent, we wanted to give these soldiers, and other victims of state-sponsored terrorism, another clear path to obtaining justice. But the soldiers who suffered at the hands of Saddam Hussein will not get the benefit of this other clear path if the President exercises his waiver authority, as we expect he will.

And there is always a risk that the courts will be persuaded by the arguments of the President and his lawyers, and reach what we believe would be the wrong interpretation, and deny the soldiers' claims under current law. If so, then the waiver will have the effect of further delaying justice, and a very real possibility of making it harder to obtain at all. Because even though the waiver cannot permanently and irrevocably extinguish their claims, another delay may make it all the more difficult to gather the proof when those claims can once again be pursued.

For all these reasons, we did not want to make this change.

And when we ultimately concluded that the President was willing to hold the entire Defense bill hostage unless we did, we tried to limit the harm.

We wanted the President to have to weigh the interests of the victims in justice, and make specific findings to inform us, and the victims, why he believes those interests are outweighed by the interests of the Iraqi Government, and why he believes those interests cannot fairly be reconciled.

We wanted him to have to explain in those findings why he believes it necessary to shelter all of Iraq's assets from legal accountability, even when Iraq is reaping billions upon billions of dollars from its oil fields.

We wanted the President to have to reaffirm those findings periodically, so that they would not be set in stone.

And we wanted a sunset, to bring a definite end to what we believe is a manifest injustice.

Unfortunately, we were not able to achieve these goals.

What we have been able to do, instead, is to add a new sense of the Congress that the President should work with the Government of Iraq to get fair compensation to these victims. That is, of course, non-binding; but it could also create a new path to justice. And I hope the President will take it to heart, and act on it, and that through one of these paths, the victims will see some semblance of the justice they have been struggling for these many years.

Otherwise, I think the President will have done a grave disservice to these soldiers, who are only 17 in number, and whose treatment at the hands of our enemies, in the service of their country, calls for greater respect than they have been getting.

IN REMEMBRANCE OF ZORA MCARTHUR MEISSNER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Zora McArthur Meissner, and to celebrate her life of service to others and her community.

As a young woman in Alabama, Zora devoted herself to the civil rights movement as she registered young black voters, fought for the desegregation of schools, and demanded equality in the workplace.

After moving to Cleveland, Zora earned her bachelor's and master's degrees from John Carroll University while raising her children. Her spirit for advocacy and empowerment led her to a number of jobs working with the most vulnerable populations in Cleveland. Zora's compassion embraced everyone she encountered, and her desire to make the world and Cleveland a better place never waned. She had a genuine desire to help people, and relished the time she spent with clients.

Zora is celebrated in life by her beloved husband of 37 years, Joseph; and her children Betina, Chiquita, and Paul.

Madam Speaker and colleagues, please join me in remembering and honoring Zora McArthur Meissner, for a rich life spent dedicated to her family and her community. May her strength and spirit live on in us all.

HONORING RETIRING TOWN OF CHEEKTOWAGA COUNCILMAN THOMAS M. JOHNSON, JR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 2008

Mr. HIGGINS. Madam Speaker, I rise today to commemorate the illustrious public career

of one of western New York's most dedicated and hard working public servants—the Dean of the Cheektowaga Town Board, its longest serving member, Councilman Thomas M. Johnson, Jr.

Many years ago, the Buffalo News once referred to another public official with a reputation for energetic representation of his constituents as “indefatigable.” Untiring. Unrelenting. Unflinching. These and so many other adjectives only begin to describe the manner in which Tom Johnson served his constituents, and the town he loves so dearly.

Since my very first days in service as a Member of the House, Tom has been an advocate for countless projects within Cheektowaga, and for the betterment of the people who live there. I am proud to serve in public office alongside people of the caliber of Tom Johnson, and I am prouder still to call Tom my friend.

I have taken the liberty, Madam Speaker, of including within this extension excerpts from an article recently published in the Buffalo News that chronicles Tom's career and his plans to “retire”—with that word intentionally left in quotation marks. Tom will never truly retire from serving the town he so dearly loves, and all of us in elective office owe a great debt of gratitude to Tom for his service and his dedication to the people in his community. Tom, on behalf of the entirety of the House of Representatives, let me wish you, Barbara and your entire family the very best of luck and Godspeed.

CHEEKTOWAGA ICON JOHNSON LEARNING THE WORD “RETIRE”

(By Thomas J. Dolan)

Cheektowaga's longest-serving Town Board member, Thomas M. Johnson Jr., is stepping down after three decades in office, but you wouldn't know it to see him.

With just days to go before his term ends, Johnson, 66, is as restless as ever. He's showing up for work sessions at Town Hall, popping in at community meetings and appearing at all manner of ceremonies and events, just as he has done through much of his career. “He gets involved in practically everything. He goes to all the meetings. He gets involved with various groups,” said Thomas J. Adamczak, supervisor of town inspectors.

Whether it's the Cheektowaga Community Symphony Orchestra, a ceremony honoring veterans, a planning session to restock wall-eye in Cayuga Creek or a discussion of storm-drainage problems, Johnson has been a force in town affairs for decades. He has left his stamp on a wide variety of projects, from the Walden Galleria shopping mall to the town's new bike path, now under construction.

Johnson's 30 years on the board easily qualify him as Cheektowaga's longest-serving lawmaker, said Supervisor-elect Mary F. Holtz, the town historian.

“Nobody else even comes close,” Holtz said after checking her records.

And few town officials have made a greater impact than Johnson, observers say.

“Tom is a true institution in Cheektowaga,” said Eric L. Recoon, vice president of development for Benderson Development Co.

Recoon, who has frequently negotiated with Johnson regarding Benderson projects, gave this assessment: “Tom probably has, in his own way, done more for the town than almost anybody. He's so passionate about his town, and he was really tireless in his efforts to do what he feels would benefit the Town of Cheektowaga.”

And while many politicians show up at public meetings to earn some “face time,”